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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO, CR01-310-RSL
11 Plaintiff,)
12 v.)
13 MICHAEL STEFAN PRIME,)
14 Defendant.)
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14 An evidentiary hearing on supervised release revocation in this case was scheduled
15 before me on May 24, 2011. The United States was represented by AUSA Bruce Miyaki and
16 the defendant by Allen M. Ressler. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about November 6, 2002 by the Honorable Robert
18 S. Lasnik on charges of Conspiracy to Commit Wire Fraud, Conspiracy to Possess Counterfeit
19 Securities, and three counts of Possessing, Manufacturing and Uttering Counterfeit Securities,
20 and sentenced to 85 months custody, three years supervised release. (Dkt. 234.)

21 The conditions of supervised release included the standard conditions plus the
22 requirements that defendant be prohibited from possessing a firearm or destructive device,

01 submit to search, participate in a mental health program, pay restitution in an amount to be
02 determined, provide his probation officer with access to financial information as requested,
03 allow inspection of his personal computer, notify his probation officer of all computer software
04 and report any additional software acquisitions, be prohibited from incurring new credit
05 obligations or opening new lines of credit, obtain approval for any employment, not work for
06 cash, provide verification of pay, and be prohibited from possessing any identification
07 documents in any but his true identity. An amended judgment was signed on November 23,
08 2004, omitting the requirement of restitution. (Dkt. 293.)

09 In an application dated April 20, 2011 (Dkt. 319, 320), U.S. Probation Officer Brian K.
10 Facklam alleged the following violations of the conditions of probation:

11 1. Committing the criminal offense of Possession of Stolen Property 1st degree on
12 or before March 23, 2011, in violation of the general condition that he not commit another
13 federal, state, or local crime.

14 2. Committing the criminal offense of Trafficking in Stolen Property 2nd degree
15 on or before March 23, 2011, in violation of the general condition that he not commit another
16 federal, state, or local crime.

17 3. Associating with Shana Bobo, a three-time convicted felon, in violation of
18 standard condition 9 that he not associate with any person convicted of a felony.

19 4. Associating with Shawn Cahill, a three-time convicted felon, in violation of
20 standard condition 9 that he not associate with any person convicted of a felony.

21 5. Failing to allow the U.S. Probation Officer to inspect any personal computer
22 owned or operated by the defendant in violation of the special condition directing him to do so.

6. Failing to notify the U.S. Probation Officer of all computer software owned or operated by the defendant in violation of the special condition directing him to do so.

7. Beginning employment without prior approval by the U.S. Probation Officer, working for cash, and engaging in employment that did not provide regular pay stubs in violation of the special condition directing him to do so.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted alleged violations 4-7 and waived any evidentiary hearing as to whether they occurred. The government moved to dismiss violations 1-3. (Dkt. 324.)

I therefore recommend the Court find defendant violated his supervised release as alleged in violations 4-7, that the Court dismiss violations 1-3, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Lasnik.

Pending a final determination by the Court, defendant has been detained.

DATED this 24th day of May, 2011.

Mary Alice Theiler
Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Robert S. Lasnik
AUSA: Bruce Miyaki
Defendant's attorney: Allen M. Ressler
Probation officer: Brian K. Facklam